

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF AT&T COMMUNICATIONS OF )	
THE SOUTH CENTRAL STATES, INC. FOR )	
CONFIDENTIAL PROTECTION OF )	CASE NO.
INFORMATION FILED IN SUPPORT OF ITS )	93-162
PROPOSED AMENDMENT TO ITS CUSTOM )	
NETWORK SERVICES TARIFF )	

O R D E R

This matter arising upon petition of AT&T Communications of the South Central States, Inc. ("AT&T") filed April 23, 1993 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the revenue, cost, and unit volume data filed in support of AT&T's proposed amendment of its Custom Network Services tariff on the grounds that disclosure of the information is likely to cause AT&T competitive injury, and it appearing to this Commission as follows:

AT&T has filed an application to reduce certain portions of its Custom Network Service tariff offerings. In support of its application, AT&T has prepared compilations by service category of revenue, cost, and unit volume data applicable to this service. By this petition, AT&T seeks to protect the revenue, cost, and unit volume data as confidential.

The information sought to be protected is not known outside of AT&T and is not disseminated within AT&T except to those employees who have a legitimate business need to know and act upon

the information. AT&T seeks to preserve and protect the confidentiality of the information through all appropriate means.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts 11 categories of information. One category exempted in subparagraph (c) of that section is commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. To satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

The rate reductions are being proposed in order to target the intended market for AT&T Plan D, AT&T Plan Q, AT&T Optimum, and MEGACOM Plus Services. Data on volumes and revenue by service category would, if disclosed, provide competing providers of these services with strategic information to determine the market size of each service category. Additionally, revenue information along with prices could be used by competitors to determine quantities. Knowledge of such information would enable AT&T's competitors to target their marketing efforts toward particular service categories

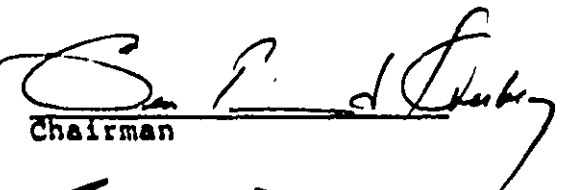
to the detriment of AT&T. Therefore, the information has competitive value and should be protected as confidential.

This Commission being otherwise sufficiently advised,

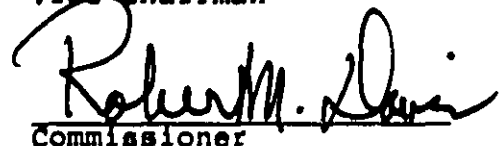
IT IS ORDERED that the revenue, cost, and unit volume data filed in support of AT&T's application to reduce portions of its Custom Network Services tariff, which AT&T has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 24th day of May, 1993.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director